

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**NELSON VARGAS CORDERO
MARY J. RODRIGUEZ QUINONES**

CASE NO 98-10612-ESL

DEBTORS

CHAPTER 13

IN RE:

**NELSON VARGAS CORDERO
MARY J. RODRIGUEZ QUINONES**

PLAINTIFFSs

Vs.

**COOPERATIVA DE AHORRO Y CREDITO
NUESTRA SRA. DE LA CANDELARIA;
X, Y, and/or Z INSURANCE CO.;
JOHN DOE and JANE ROE**

ADV. NO.: 11-00151-ESL

**VIOLATION OF DISCHARGE
INJUNCTIVE RELIEF /
CONTEMPT / DAMAGES**

DEFENDANTS

**JOSE CARRION MORALES
CHAPTER 13 TRUSTEE/PARTY IN INTEREST
CASE # 11-02484-BKT**

.....

MOTION FOR DEFAULT JUDGMENT

TO THE HONORABLE COURT:

Come now, the Plaintiffs in the above captioned adversary proceeding, acting through their counsel of record and, pursuant to Bankruptcy Rule 7055(b)(2), most respectfully move this Court to enter a Default Judgment against the Defendant, Cooperativa de Ahorro y Credito Nuestra Senora de la Candelaria ("CandelCoop"), for the reasons stated below.

1. This adversary proceeding was filed on July 15, 2011, after months of dealing with the Defendant to diffuse the controversy and avoid litigation.
2. On July 27, 2011, a notice of certificate of service was filed with the Court. (Dkt. 8) The certificate of service clearly sets forth that Defendant and the attorney represented to the Debtors to be CandelCoop's bankruptcy counsel, each was served with a copy of the Summons and Complaint, and with the pre-trial order entered by the Honorable Court in this proceeding. Attached were also copies of the certified mail receipts issued with the service of the process to CandelCoop and its attorney.
3. The certified mail receipt ending in **8489** was used to serve CandelCoop. Certified mail receipt ending in # **8496** was issued with service to attorney Maldonado.
4. Enclosed herewith is evidence obtained from the USPS online tracking system for each of the certified mail tickets referenced in the foregoing paragraph. As can be seen, CandelCoop received service of process on July 27, 2011 at its offices in Manati. Attorney Maldonado was served on July 26, 2011 at his offices in San Juan. (See attached evidence of delivery of process from USPS)
5. The Summons clearly sets forth the time allowed for Defendant to respond to the Complaint or otherwise move. To date, no answer to the complaint has been filed. To date, CandelCoop has not even appears by counsel or requested an extension of time to answer the Complaint or file any other motion.
6. Therefore, pursuant to Bankruptcy Rule 7055(b)(2), the Plaintiffs move for a judgment of default to be entered against CandelCoop without further notice, hearing or opportunity to respond.

7. The Plaintiffs believe CandelCoop's complete failure to acknowledge its responsibility in this case and willful failure to respond is clear evidence of its liability in this matter.
8. Therefore, the Plaintiffs plead that judgment be entered in the amounts established in the face of the Complaint against CandelCoop. Alternatively, Plaintiffs move for a judgment establishing CandelCoop's liability for the damages complained of and for a hearing on damages to be scheduled forthwith. Plaintiffs will not agree to any extension of time to answer by CandelCoop.

WHEREFORE, Plaintiffs pray that for an order of default judgment for liability to Plaintiffs be entered against CandelCoop, together with judgment for damages in the amounts prayed for on the fact of the complaint. In the alternative, the Plaintiffs pray that an order of default judgment be entered against CandelCoop for liability to Plaintiffs and that a hearing on the issue of damages be scheduled forthwith.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notice to the Office of The U.S. Trustee: Monsita Lecaroz, Esq.; the Office of the Chapter 13 Trustee: Jose R Carrion Morales, Esq., and, on information and belief, to the Cooperativa de Ahorro y Credito Nuestra Senora de la Candelaria and/or to its bankruptcy counsel on record with the Clerk of Court at the email address available on file with the Clerk of Court; service of this document by First Class mail was also made on this date on Cooperativa de Ahorro y Credito Nuestra Senora de la Candelaria.

RESPECTFULLY SUBMITTED,

In Arecibo, Puerto Rico, this 12th day of September, 2011.

By: Edwin Matos Maldonado
Edwin Matos Maldonado, Esq.
Lead Attorney

EDWIN MATOS MALDONADO
USDC 226403

FELIX M ZENO GLORO
USDC 124212
LIAVANESSA FONTANEZ RUIZ
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DATE & TIME

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LOCATION

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Return Receipt

Notice Left

July 23, 2011, 11:19 am

MANATI, PR 00674

Arrival at Unit

July 23, 2011, 7:45 am

MANATI, PR 00674

Acceptance

July 22, 2011, 3:04 pm

ARECIBO, PR 00612

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July 28, 2011, 2:05 pm

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July 23, 2011

Certified Mail™

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Arrival at Unit

July 26, 2011, 9:28 am

GUAYNABO, PR 00958

Acceptance

July 22, 2011, 3:04 pm

ARECIBO, PR 00612

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07/22/2011

Send To: Lt. Roberto O. Rodriguez
 Street, Apt. No. or PO Box No. Calle 7 N.E. #344 Esp. F.D.
 City, State, ZIP+4 Reservolt Office 1-A, San Juan, P.R.

Attorney

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Send To: E. Rodriguez Barrera
 Street, Apt. No. or PO Box No. P.O. Box 3249
 City, State, ZIP+4 Manati, P.R. 00474

Coop